

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Application of:	Jaime A. Rabi	Issued:	September 1, 2009
Patent No.:	7,582,748 B2	Confirmation No.:	1836
Application No.:	10/806,296	Art Unit:	1623
Filed:	March 22, 2004	Examiner:	Krishnan, Ganapathy
For:	METHODS OF MANUFACTURE OF 2'-DEOXY- $\beta$ -L-NUCLEOSIDES	Attorney Docket No.:	11874-010-999

**REQUEST FOR RECALCULATION OF PATENT TERM ADJUSTMENT IN  
VIEW OF WYETH**

**MAIL STOP Petition**  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450


Sir:

Applicants submit the attached Request for Recalculation of Patent Term Adjustment in View of Wyeth in the above-identified patent.

No fee is believed to be due in connection with the filing of this Request. However, should the Director determine otherwise, please charge the required amount to Jones Day Deposit Account No. 50-3013 (order no. 417451-999010).

Respectfully submitted,

Date: February 1, 2010

  
Rahul Pathak 42,983  
(Reg. No.)

**JONES DAY**  
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Attachment

## REQUEST FOR RECALCULATION OF PATENT TERM ADJUSTMENT IN VIEW OF WYETH\*

Attorney Docket  
Number: 11874-010-999

Patent Number: 7,582,748 B2

Filing Date  
(or 371(b) or (f) Date): March 22, 2004

Issue Date: September 1, 2009

First Named  
Inventor: Jaime A. Rabi

Title: METHODS OF MANUFACTURE OF 2'-DEOXY- $\beta$ -L-NUCLEOSIDES

PATENTEE HEREBY REQUESTS RECALCULATION OF THE PATENT TERM ADJUSTMENT (PTA) UNDER 35 USC 154(b) INDICATED ON THE ABOVE-IDENTIFIED PATENT. THE PATENTEE'S SOLE BASIS FOR REQUESTING THE RECALCULATION IS THE USPTO'S PRE-WYETH INTERPRETATION OF 35 U.S.C. 154(b)(2)(A).

Note: This form is only for requesting a recalculation of PTA for patents issued before March 2, 2010, if the sole basis for requesting the recalculation is the USPTO's pre-Wyeth interpretation of 35 U.S.C. 154(b)(2)(A). See Instruction Sheet on page 2 for more information.

Patentees are reminded that to preserve the right to review in the United States District Court for the District of Columbia of the USPTO's patent term adjustment determination, a patentee must ensure that he or she also takes the steps required under 35 U.S.C. 154(b)(3) and (b)(4) and 37 CFR 1.705 in a timely manner.

\*Wyeth v. Kappos, No. 2009-1120 (Fed. Cir., Jan. 7, 2010).

Signature



Date February 1, 2010

Name  
(Print/Typed) Rahul Pathak

Registration Number 42,983

**Note:** Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required in accordance with 37 CFR 1.33 and 11.18. Please see 37 CFR 1.4(d) for the form of the signature. If necessary, submit multiple forms for more than one signature, see below\*.



\*Total of \_\_\_\_\_ forms are submitted.

The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 12 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. **SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.